

I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4104, introduced earlier today. I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

So that was the entirety of the request.

The title is “to amend the Improper Payments Elimination and Recovery Improvement Act of 2012, including making changes to the Do Not Pay Initiative, for improved detection, prevention, and recovery of improper payments to deceased individuals, and for other purposes.”

Mr. KENNEDY. So if I might ask, does that mean that both bills together have passed?

The PRESIDING OFFICER. I am not sure what is in the bills, but I would assume that that is the case.

We did not have the paperwork beforehand.

Mr. KENNEDY. Mr. President, excuse me. My understanding is that Senator PAUL’s bill and the Carper-Kennedy bill were merged together, so we had two bills.

Is my understanding correct?

The PRESIDING OFFICER. To be honest, the Chair cannot answer that.

Mr. KENNEDY. I believe the RECORD will reflect that is correct, that Senator PAUL—I am not asking you to comment on the accuracy of what I am about to say, but I believe the RECORD will reflect that Senator PAUL’s bill was merged with the Carper-Kennedy bill and that those bills have passed as one bill.

Now, having said that, if Senator WYDEN or anybody else would like to sit down with Senator CARPER and me and make some improvements to the bill, I am more than happy to do this and to do that.

I will not speak for my good friend and mentor Senator CARPER, but I know he would share in my feelings, and I would extend that courtesy to Senator WYDEN and to any other Senator who would like to make some changes.

Let me reiterate again: This is a serious problem. We hotlined this bill on Thursday. We have worked out many difficult issues, and we found out that there was another Senator who couldn’t be available—he said, 5 minutes ago—and that is why we proceeded. But I am willing to unproceed to work with RON or anybody else who wants to improve this bill. But improving this bill, for me, doesn’t mean—I have only been here 3 or 4 years, but I have learned—I have learned the hard way—that sometimes negotiations can last years.

Do you know what? I have said it before: Doing nothing is hard. You never know when you are finished, and we need to do something on this.

I am embarrassed to go home. I feel like putting on a bag in the airplane when I get out so that my constituents will not see me. We sent out \$1.4 billion of taxpayer money to 1.1 million dead

people, and all we had to do was pass a simple bill that says to people at Social Security: Share your death file with the rest of your colleagues. What is controversial about that?

Mr. CARPER. Will the gentleman yield?

Mr. KENNEDY. Certainly.

Mr. CARPER. I think the concern raised by Senator WYDEN is if the Social Security Administration is going to be sharing this information not just with the IRS and a handful of agencies, there is going to be some cost involved in that sharing. That is a legitimate concern. Speaking for myself—and my guess is speaking for my friend from Louisiana—if there is an additional cost incurred by the Social Security Administration, I am sure it is going to be a lot less than \$1.4 billion that we have just wasted in sending out these \$1,200 checks over the last several months.

I will pledge—and will invite my friend from Louisiana to join me—to assure Senator WYDEN that we will work with him and his staff and the folks at the Social Security Administration to make sure that the Social Security Administration is made whole if the legislation that we have just apparently adopted here—if it actually is adopted and signed into law, we will make the Social Security Administration whole. That is a very fair thing to ask of us, and we should do that.

Mr. KENNEDY. Will the Senator yield?

Mr. CARPER. I would be happy to.

Mr. KENNEDY. Senator, do I understand correctly that one of Senator WYDEN’s problems or issues is the cost?

Mr. CARPER. The cost that might be incurred by the Social Security Administration because they would be asked to share this information more widely among Federal agencies than they do today.

Mr. KENNEDY. Well, will the Senator yield for 30 seconds?

Then I would suggest, Senator CARPER, through the Presiding Officer, that we sit down with Senator WYDEN and try to address these very legitimate concerns.

For the moment, I happen to be chairman of the Financial Services and General Government Subcommittee in Appropriations, and it may be that we can address those concerns there, and I would be more than happy to.

But I am equally happy to report to the American people that the U.S. Senate finally did something to stop paying dead people hard-earned taxpayer money, and I want to give most of the credit to Senator CARPER because he is a patient man. He has been working on this for 7 years. He is a more patient man than I am.

I yield the floor.

Mr. CARPER. Mr. President, I thank my colleague for his work, his efforts, and his tenacity.

I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2021—Continued

The PRESIDING OFFICER. The Senator from Minnesota.

UNANIMOUS CONSENT REQUEST—S. 4033

Ms. KLOBUCHAR. Mr. President, I come to the floor today to discuss the threats facing our upcoming elections—threats from the coronavirus and threats posed by foreign adversaries—and to once again urge my Republican colleagues to immediately take up legislation to address these threats.

As ranking member of the Rules Committee, I am proud to be speaking on the floor today with my Democratic colleagues—including Senators BLUMENTHAL, WARNER, DURBIN, COONS, and WYDEN—who will speak during the next hour on the need to protect our elections and make voting safe and easy throughout this pandemic and beyond. And that is safe and easy for Democrats, for Republicans, for Independents, for members of any party or anyone who wants to vote. This is not a partisan issue. Voting in our democracy is not a partisan issue. Everyone who wants to vote should be able to vote for whomever they want to vote for.

Today there are primaries happening in Colorado and Utah—two of the five States that vote almost entirely by mail—as well as Oklahoma.

As cases of coronavirus in this country rise, it is vital that all voters be able to cast their ballots from home, to cast their ballots by mail—a system that Colorado and Utah know to be safe and secure. We have heard Senator ROMNEY speak out strongly in defense of vote-by-mail and how it works in Utah. We have heard elected officials in Colorado, both Democrats and Republicans—these two States that have primaries today—say that their system works, that their democracies work.

This week we are also working to pass the National Defense Authorization Act. Colleagues, let me be clear. If we are concerned about defending our country, then we must protect our democracy, and if our elections are not safe, then our democracy is not secure. Election security is national security.

We shouldn’t spend more on military bands—I love military bands, but we shouldn’t spend more on military bands than we do on securing our elections on a Federal level—especially now, when we have foreign adversaries that the intelligence officials in the Trump administration have long said were emboldened by the last election—as in Russia—and will try to do this again.

We should not be spending more on military bands than securing our election on a Federal level when, in fact, we have a situation where a pandemic has made it unsafe for people to vote, especially seniors and people with pre-existing conditions, especially our veterans.

The Government Accountability Office conducted a study and found that between 2012 and 2016, the U.S. military spent \$1.5 billion on military bands. Since our elections were attacked by Russia in 2016, Congress has given \$805 million to modernize our election systems and protect them from future attacks. That is about 6 percent of the cost of a new aircraft carrier. That was given to the States after the biggest attack on our elections in modern history. We now know they tried to get into every single State. They tried to hack. In Illinois, they got as close as the voter information.

What must we do? Now we face the immediate threat of COVID-19 as well as the threat we have known has been out there for years. I fought hard with Senator COONS and others to help secure \$400 million, and I appreciate the work of my colleague Senator BLUNT, the chairman of the Rules Committee, in helping us to secure that funding, as well as Senator SHELBY and Senator LEAHY. We know that is not everything we need.

Election officials are using the money from the \$805 million in election security funding that I already mentioned—which is supposed to be used to replace old election equipment and produce a paper record, but now we know that election officials in States that are already strapped for cash and facing enormous debts are having to buy protective masks, cleaning supplies, and are trying to figure out how they are going to keep polling locations open and safe versus postage and envelopes.

Last week I was glad to appear here with my friend Senator BLUNT. He has said that he is open to working with us on funding as well as making some corrections from the last bit of money that was sent out. He is also going to be holding a hearing in our committee on elections, which I truly appreciate during this time of pandemic.

As I said, elections are a matter of national security, and during a global pandemic, they are a matter of public health and safety. Contrary to what the President has been saying, I would rather put ballots in an envelope than put voters in the hospital. Yet our President keeps questioning the security of vote-by-mail. Yet we have Republican Senators like Senator ROMNEY who said security in their States works quite well.

Our job now is to realize that 25 percent of the people have been voting by mail in the last few Federal elections, and we want to greatly increase that number. We know that not everyone will vote by mail. We know part of the solution is having poll workers who are not as susceptible to the virus, who are in safe conditions. We know part of the solution is keeping the polls open as long as possible, early in States, like my State, which keeps the polls open weeks before an election so then voters don't congregate as much. We also know a big part of the solution is mak-

ing voting by mail available to everyone.

We have seen what has happened when people can't vote safely. No one will forget the images of those voters in line in Milwaukee, in garbage bags and homemade masks, just waiting to exercise their right to vote. No one will forget the numbers—that dozens and dozens of them contracted the coronavirus and that, in fact, poll workers got sick from that day.

No one will forget the image recently in Georgia of people waiting and waiting—of a woman who had marched with Dr. King, now in her eighties, getting there at 6 a.m., waiting, and then actually staying because she wanted to make sure her friends would be able to vote.

We have seen the President's tweets about voting by mail. These tweets are a direct hit on our democracy. They degrade the integrity of our voting system, and people shouldn't fall for it. We know that these States that have been holding elections that are mostly by mail—Utah, Oregon, Colorado, Hawaii, and Washington—have done a good job. Some of those States are blue States, some are purple States, and some are red States. Again, just like the virus, it doesn't know if it is hitting someone who is a Democrat or Republican. Vote-by-mail—it works regardless of what someone's political affiliation is.

So it has really concerned me, what the President has been saying. As the New York Times editorial board noted, States that use vote-by-mail essentially have zero fraud. Oregon, the pioneer in this area, has sent out more than 100 million ballots since 2000 and has documented only about a dozen cases of proven fraud. Rounded to the seventh decimal point, that is 0.0000001 percent of all votes cast.

To top it off, while those voters were standing in line in garbage bags and homemade masks in Wisconsin in the rain, the President was voting in the luxury of 1600 Pennsylvania Avenue with his own mail-in ballot that he obtained from Palm Beach, FL. That is what he did. Everyone should have that same right.

So what do we do in the midst of this pandemic? We need to make sure that no voter has to choose between their health and exercising their right to vote. That is why I am urging my colleagues to support legislation with Senator WYDEN that is now cosponsored by 36 other Senators, the National Disaster and Emergency Ballot Act, to help election officials meet this pandemic head-on.

What does it do? Well, it has the funding. I am so pleased that my colleague Senator BLUNT has said he is willing to work with us and work with me on that funding as we work to negotiate COVID-related provisions, I hope, in the next few weeks.

Our legislation does more. It starts with guaranteeing every American the option to vote by mail. Sixteen States

require voters to provide an excuse if they want to cast a ballot by mail. I will note that during a pandemic, 13 of these States are allowing all voters to cast a ballot by mail without needing to provide an excuse. They have done it because Governors have waived things, because legislatures have done their job. But it still remains with three States—three States still have those provisions in place. Why, during the midst of a national pandemic that isn't hitting just one State—it is not about just Vermont or Wisconsin or Hawaii; it is about every single State—why would we not at least have a floor requirement that people be able to vote without an excuse?

Why would some States still require a notary? Yes, that is in place. Six States have a provision that you either have to have a notary or two witnesses in order to get a mail-in ballot. Yes, some of these States have waived that. That is a good thing. But why wouldn't we just simply, since they all have not waived it, put in place some simple requirements that everyone knows will guarantee them their right to be able to obtain a ballot?

The bottom line is that it should be easy to vote and not hard to vote.

We are not alone in this fight. Our legislation has been endorsed by more than a dozen organizations, including the group founded by former First Lady Michelle Obama, When We All Vote; the Leadership Conference on Civil and Human Rights; the Lawyers' Committee on Civil Rights; Voto Latino; the National Urban League; and Common Cause.

I think the key here, though, as we head into—I know my friend is going to object to the legislation as is, but I think the key, as we move ahead the next few weeks, is for everyone to step back and talk to your secretaries of state and talk to your Governors. You are going to find that both Democratic and Republican Governors are saying: Look, we are already strapped for cash. We had no idea the pandemic was coming our way. We didn't plan ahead in our budgets last year. We need some help in our State to be able to mail in all the ballots so people will be able to vote.

At the very least, I hope that is what comes out of this.

Last, I will tell you, the American people are ahead of this body right now. Three polls released in the last couple of months show that an overwhelming majority of voters—over 80 percent—favor measures to make voting safe and easy in November by expanding early and mail-in voting. Seventy-four percent of voters want their Senators to support legislation to implement voting reform, including a majority of Republican voters in those States. That is across party lines. That is why I hope my colleagues will join us, and we can get this done.

So, Mr. President, as in legislative session, I ask unanimous consent that the Rules Committee be discharged

from further consideration of S. 4033, the National Disaster and Emergency Ballot Act of 2020, and the Senate proceed to its immediate consideration. I further ask that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Missouri.

Mr. BLUNT. Mr. President, reserving the right to object, I could make this really simple by just saying: Look at everything I said last week about this same bill, but I know that Senator KLOBUCHAR is here in good faith trying to be sure we call attention to this issue.

She and I are working together on the Joint Committee for the Presidential Inauguration that we formed just today. Six people were appointed to that bipartisan committee. I was pleased to have her nomination to be the chairman of that event again. We find ways to work together.

I think on this bill, there is really nothing simple about this bill. It is not a bill that just allows the other three States somehow to meet the standard that all but three States have now moved toward—not exactly as this bill would have them, but, as my friend just pointed out, 13 of the 16 States have changed their provisions, some just for this election. Some will look at it, and they will decide whether they did it exactly right or they need to further modify it. Others will make that maybe a permanent part of their process.

I am of the view that this is one of the things States and local governments really do well.

We will have a hearing next month—Senator KLOBUCHAR and I have worked together to talk about what that hearing will look like—where I hope we will have at least one local election official, some State election officials, and some people concerned about the civil rights aspects of voting. That hearing will also get into the challenges that States face and particularly the challenges that States and communities face if they try to change too much too quickly.

I think both Senator KLOBUCHAR and I were pleased to see Georgia, for instance, change their voting system to where they have a voting system—they were one of the handful of States that still had a voting system left that didn't have an audit trail—didn't have a paper audit trail. Well, they changed the system, but they changed it, and I don't know that they had many options. They had gotten behind on this issue, in my view. They changed it on primary election day. It was probably too big an election to try an entirely new system you are not used to, just like some of the changes in this bill. While I might not be for them, I can certainly argue, even if I were for them, this is not something you want

to try to change at this moment. Legislators have met; States have acted; and 13 of the 16 have changed their laws to accommodate the moment we are in. The three that haven't will have to be answerable for their decision not to do that.

Not only are we going to have a hearing to talk about this, Senator KLOBUCHAR and I have talked about funding on these issues for some time. As she pointed out, we put in over \$800 million and made it available to the States. I will also point out that a lot of that money is still not spent. But I am prepared not only to look at more money for the States to use as they see fit for elections this year but also to even consider whatever kind of matching requirement we have to see if that matching requirement is reasonable.

We continue to work toward an election that produces a result that people have confidence in and is done in a way that everybody that wants to vote gets to vote. I continue to feel strongly, and let me, once again, quote President Obama that the diversity of our system is really one of the strengths of the system.

For months, Democrats had legislation very similar to this to federalize the election system because we needed more ballot security. Now we have elections, but the new reason is, well, we have a pandemic. But the goal appears to be always the same—to federalize the election process.

That would have meant that in Nashville, when they had a tornado, hours before the polls were to open on Super Tuesday, the local officials wouldn't have had nearly the flexibility they had to immediately change polling locations, put out the notice they thought was appropriate, and extend voting hours. Nobody in Washington, DC, had to give permission for commonsense decisions that apparently everybody in Tennessee thought were the best things to do.

So, with great appreciation for my friend's dedication to this issue, with certainly a willingness to be sure that money is not an obstacle in States being able to have successful elections this year in areas where we can help—now, we are going to look at what we can do to help financially within the matrix of the elections that a State and local communities in that State have determined should be their election structure. In most cases, it is an election structure that has served them well in the past, that people fully understand, but, still, the need to accommodate the health needs of people who normally were election workers or people who have a great record of being voters or people who are voting for the first time will be part of what we need to discuss. We can do that without a Federal takeover of the election system. With that, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank Chairman BLUNT for his leader-

ship on the Rules Committee and on the inauguration. We have a big group and are working together well on that. I look forward to our hearing.

We, obviously, don't agree about this legislation, but I truly appreciate the olive branch and his willingness to talk about funding at this critical time for our States and our democracy. I look forward to doing that with my many colleagues in the next few weeks.

Now I would like to turn this over to one of our great leaders, my colleague from Illinois, Senator DURBIN.

Mr. DURBIN. Thank you, Senator KLOBUCHAR. No one should have to risk their life to cast a vote. That is why it is so important to have safe opportunities to allow Americans to participate in a democracy and to fulfill their right in November.

Thankfully, in Illinois, Gov. J.B. Pritzker recently signed legislation expanding safe voting opportunities for all Illinois voters. Under the new law, about 5 million voters with active registrations will automatically receive an application to vote by mail for the 2020 election.

Voting by mail and voting safely at home is a necessary option in the midst of a global pandemic that has already killed more than 126,000 Americans and a total of more than half a million around the world. Despite the deceptive and sometimes deceitful narrative being pushed by some, voting by mail is a secure option.

As the Brennan Center for Justice explained in a recent analysis, "Since [the year] 2000 more than 250 million votes have been cast through mailed-out ballots, in all 50 States, according to the Vote at Home Institute. . . . Despite this dramatic increase in mail voting over time, fraud rates remain infinitesimally small."

However, some voters still prefer to vote in person. That is why it is important that States offer that option, with safety procedures to protect them. Under the new law in our State, Illinoisans can vote in person if they wish. They can vote early as well. To protect voters and poll workers, the law requires all election authorities to comply with guidance from the Illinois Department of Public Health on early voting. Election authorities in Illinois also may establish curbside voting options. Election day will be designated a State holiday in 2020 to ensure more safe polling places will be available.

Why is it so hard for those who are legally entitled to vote in America—what does it say about a democracy when the key to that democracy of voting by those legally entitled is such a burden and hardship?

These upgrades I have talked about are expensive. That is why the Federal Government needs to help. The CARES Act took a first step. I thank Senator KLOBUCHAR for her role in including provisions that provided \$400 million to help States prepare for the 2020 election cycle. Illinois received about \$14 million. Another \$3.6 billion is needed

in the next package to help all States increase the ability to vote by mail, expand early voting and online registration, and increase the safety of voting in person. The President of the United States votes by mail. What does that tell us? Is he participating in a questionable political procedure? I don't think so.

The House-passed Heroes Act, a few weeks ago, included that money, and I am committed to working with my colleagues to ensure those critical funds are included in any COVID-19 relief package that we may consider.

I am also proud to sponsor Senator KLOBUCHAR's Natural Disaster and Emergency Ballot Act, which would also provide necessary funding and safeguards to protect voters. I was disappointed to see my Republican friends block this important legislation on the floor this afternoon. In the middle of this global health crisis, Americans need to know what the Federal Government is doing, and they need to know that we are doing everything we can to ensure that voters will be able to have their voices heard at the ballot box in November.

If you start with the premise that both political parties don't want anyone who is unentitled or cannot legally cast a vote to do so, you have to ask the basic question, Why does one major political party look for ways to delay, limit, and put hardships on voters and the other believes that an expanded electorate reflects America? It should be encouraged.

Federal funding and guidance is clearly needed. Look at the chaos we have seen in the last few weeks. Is this America when, in Georgia, voters waited more than 6 hours to cast a ballot due to long lines and voting machine failures? Is this America in the State of Wisconsin when thousands of voters didn't receive their requested absentee ballots, leading voters to decide between casting a ballot and protecting their health? Last month, a State official said that 71 people—71—people were exposed and infected by COVID-19 after voting in person and working at the polls in Wisconsin during the primary election. In Kentucky, we saw images of voters banging on the windows of Louisville's only polling location when the doors were locked after traffic at the site prevented a significant number from being able to get in line in time.

These situations are appalling, unacceptable, and downright embarrassing in a democracy. It is time for us to come together and protect the fundamental right to vote, as well as the health and safety of all eligible Americans who seek to exercise it.

I yield the floor.

Ms. KLOBUCHAR. Mr. President, I thank my colleague from Illinois. Next, we will hear from Senator WARNER, who is the ranking member of the Intelligence Committee and a leader in taking on election interference from Russia and other foreign adversaries.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank, first of all, as I see him leave the floor, the Senator from Illinois, for his very strong statement. I am going to echo a lot of the same things. I thank him for his continued leadership. And, of course, I know we are going to hear from Senator COONS shortly and Senator BLUMENTHAL, but a lot of the efforts go to Senator KLOBUCHAR with her leadership on the Senate Rules Committee.

These issues around election security go back to the first bipartisan effort immediately after 2016, the Honest Ads Act. It is unfortunate that we are now heading into the election—126 days, I believe, left—and this body has still not voted on a single stand-alone election bill, even though we have seen the Russian interference of 2016 and even though we know that Russia and other countries are back. I think history will judge those who prevented those votes from happening if we see the kind of potential disruption this fall that we saw in 2016.

Today, I am here to join Senator KLOBUCHAR and Senator BLUMENTHAL, as well, to make sure that everybody has the right to vote in November and that they are able to do it in a safe and secure way. As Senator DURBIN said, from Wisconsin to Georgia, to Kentucky, we are seeing a dangerous trend where too many voters are having to choose between their safety and their right to vote. My fear is that as we head into November without a plan and without a strategy for protecting the right to vote and ensuring equal access to the ballot box, we could see levels of voter suppression not seen since the Jim Crow era.

Now, we all know we have enormous challenges with COVID-19, and we have to make sure that our polling places don't become vectors for spreading the virus. The way we do that is not by restricting access to the ballot box, not in the United States of America. That is not how the world's greatest democracy should meet this challenge.

If we are going to preserve the integrity of our elections and the trust of the American people, it is essential that States and the Federal Government adapt to the challenges of this pandemic and actually expand access to the ballot box. In short, we need to make it easier and safer for Americans to exercise their right to vote.

The good news is, we don't have to reinvent the wheel. A number of States—red States, blue States, purple States—have adopted a range of convenient voting procedures that work quite well. Some of these procedures including ample early voting opportunities and no-excuse absentee ballots, all of which reduce the risk but also make sure we continue to be able to increase access.

In my home State of Virginia, due to recent legislative changes, we have curbside voting for seniors and people

with disabilities, and we have expanded the no-excuse absentee ballot. Unfortunately, despite all these effective and secure tools at our disposal, we have also seen States implement restrictions in the name of safety that have disenfranchised far too many Americans.

In Wisconsin's April primary, for example, Milwaukee reduced its number of polling places from 180 to just 5. We saw similar moves recently in Georgia and Kentucky. We know whom those restrictions disenfranchise. It is the poor; it is the elderly; it is workers just getting off their shift; and, disproportionately, it is Black and Latino voters who face the brunt of these restrictions. The truth is, this is not right. I think we all know that.

We have a moral obligation to make sure our tools to counter COVID-19 are not used to intimidate and suppress voters. Just last week, Senator KLOBUCHAR and I sent letters raising the warning that bad actors could use testing, immunity, and protective equipment as a pretense to turn away voters or increase the difficulty of reaching the ballot box on election day.

Ideally, our election officials could come together around a national strategy of preparing every polling place and precinct for administering our elections during a pandemic.

Unfortunately, there are those, including the President, who have tried to politicize this issue. In fact, we have seen the President spreading utter misinformation about mail-in voting.

The President seems to have forgotten that he has voted by mail in not simply the last election but in the last three elections. What he fundamentally fails to understand is that the right to vote belongs to the voters, not to the politicians. It is our job to make sure that Americans can exercise their rights in a way that is safe and secure.

That is why Congress must rise to the occasion and ensure Americans can vote safely and securely. The time is now to start serious preparations on contingencies to protect our elections from both the pandemic and those who take advantage of it.

I am a sponsor of the bill that Senator KLOBUCHAR has tried to UC tonight, and I am disappointed that it was blocked from passing, but I look forward to continuing to work with her and all of my other colleagues to make sure we get this job done.

I yield the floor.

The PRESIDING OFFICER (Mr. CASIDY). The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, two other colleagues are here in support of this bill: Senator BLUMENTHAL from the State of Connecticut, who is such a leader when it comes to civil rights and is a member of the Judiciary Committee; and Senator COONS, who is actually one of the leaders of the subcommittee that helped to finance the last expenditure for elections during the pandemic and is working with us, through his role on the Appropriations

Committee, to help the States get the money that they need.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am so honored and proud to join my colleague from Minnesota, who has been such a champion on this issue in all kinds of constitutional weather. She has been a leader for all seasons on this issue, tireless and steadfast in her advocacy. And my colleagues who are here today with us are strong allies and partners, and I am really proud and honored to join them today.

The name of this act is the Natural Disaster and Emergency Ballot Act. We are in a disaster for our democracy if we do not act, if we fail to take the initiative within days, literally, to protect the ballot.

You know, sometimes I think about voters in other countries who literally brave death to vote. In one or more countries their hands are marked so that they can be identified as having voted, but also, they could be identified by opponents of those rights and potentially punished for voting.

Here in this country, there are no such obstacles in the way of physical harm, until now. Now we face the threat of an epidemic which can deter people from coming to the polls, but it has simply added to an ongoing threat from suppression that has existed for years and years and years in some parts of the country.

We need to do everything now to protect voters. It is a shared responsibility—Federal and State. In the Federal Government, we know that this right is in peril. Look at what has happened in Wisconsin and in Georgia: the lines, the closed ballot places, the other kinds of confusion and deterrence that have been created.

In Kentucky's recent primary, fewer than 200 polling places were open instead of the 3,700 usually there in a typical election year. That is unacceptable. But that State is hardly alone, and we will see that pattern repeated unless we act soon.

In the last decade, 25 States—literally, 25 States—have enacted new voting restrictions, including strict photo ID requirements, cutting back on the availability of early voting, and registration restrictions. These constraints should be of paramount concern.

The Supreme Court has gutted the Voting Rights Act, allowing States with long histories of voting discrimination to make it harder for voters of color to cast ballots. Coronavirus has added an additional layer of voter suppression, which will further result in mass disenfranchisement.

A secure and resilient electoral process is critical to our national interest. It should be a matter of pride to all of us, and we should all be ashamed and embarrassed that a free, fair, safe, secure, and accessible process may be made impossible either by health threats or suppression threats.

States should allow no-excuse, mail-in, absentee voting, expand voting periods, and improve the safety of in-person voting. The money that is necessary to assure free, fair, accessible balloting—that \$3.6 billion—ought to be a matter of bipartisan acceptance.

Connecticut is known as the Constitution State, but Connecticut has work to do, and its State legislature will, in fact, do that work—hopefully, this month, in July—by expanding mail-in balloting. Those kinds of changes in State law may be necessary across the country, but here we can make it possible, on our watch, to assure that obstacles to fair and full voting are removed.

We simply can't continue to be unprepared. The fight for voting rights remains more critical than ever before. It is a matter of integrity and credibility for our democracy. As we look around the world, we should be leading by example, not by suppression and obstacle.

We need solutions now to protect Americans' health, but the health of our democracy depends on this measure.

I am proud to join my colleagues. I urge that we have bipartisan support for it and that it be expanded.

I yield the floor to my colleague from Delaware, who has been, also, a great advocate in this cause.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I want to thank my colleagues from Connecticut, from Virginia, and in particular my colleague from Minnesota, who has done such a great job—not just today but as the ranking member of the Rules Committee—in fighting for expanding the right to vote in the context of this pandemic.

My colleague from Minnesota has stood to ask for unanimous consent for the enactment of the Natural Disaster and Emergency Ballot Act, which is a broad and bold framework to ensure access to the ballot in every State in the United States in the midst of this ongoing pandemic.

We are just 4 months from the election—126 days to be exact—and as day after day the number of infections has risen, it is clear that this pandemic is far from over. So far, 125,000 Americans have died and 2.5 million have been infected. It is completely reasonable for millions of Americans who are senior citizens, who have preexisting conditions, and who have particular vulnerabilities to be concerned about the risk they might take if they go to a polling place to vote.

Today is primary day in Colorado, in Oklahoma, and in Utah, and we have seen in primary days just passed in Kentucky, in Georgia, and in Wisconsin, example after example where the State officials involved did not have the resources to hold elections where everyone could safely participate in a pandemic and hadn't worked out the plans.

In Georgia, a State long known for voter suppression efforts over decades past, voters waited in line for hours and hours. I was inspired by their passion, their persistence to exercise their right to vote, and concerned, disheartened—even angered—by the fact that no preparations were made sufficient to meet the moment.

In Wisconsin, dozens—more than 50—voters and poll workers tested positive for COVID-19 after exercising their right to vote, one of the most fundamental rights in our democracy.

Across the country we have heard from election officials who have struggled with the infrastructure that is ill-equipped to handle this pandemic.

So, as my colleagues have already said, we should come together to advance this legislation, legislation I introduced with the Senator from Minnesota and the Senator from Oregon, which is a series of commonsense solutions to this obvious challenge.

It would expand early, in-person voting; no-excuse, absentee vote-by-mail; and reimburse States for the additional costs involved in administering an election during a pandemic. It would ensure American voters aren't faced with that untenable choice: risk their health to vote in person or stay home and not vote at all.

Today is June 30. It is also the last day of the Delaware General Assembly, and like several other States, Delaware has passed legislation to provide for no-fault absentee voting in this pandemic, but they lack the resources to fully deliver on this solution.

That is why, in the Appropriations subcommittee where I am the most senior Democrat, I have fought alongside my Democratic colleagues to advocate for money in this next COVID relief package—\$3.6 billion—which is what experts across the country say States need for printing ballots, for postage, for new high-speed scanners, for secure drop boxes, for personal protective equipment, and so much more.

I appreciate that the Senator from Missouri who came to the floor to object did say that he would support additional funding, and I look forward to working with my colleague from Minnesota to help ensure that that is actually secured, but we have to do more than just provide financial resources.

We have to provide this bill. We have to provide the legal framework. We have to provide a clear and confident path forward to voting.

Let me close by reminding everyone in this Chamber that voting by mail, voting absentee under exigent circumstances, is nothing new. Our troops back in the Civil War voted by mail so that they could continue to participate in free and fair elections even as they were fighting for the very existence of this Republic.

In every election, hundreds of thousands of American troops, diplomats, and development professionals safely and securely cast their votes from

around the world—election after election. There is no reason we can't do that now.

So let me close by thanking my wonderful colleague from the State of Minnesota, who has been such a passionate, effective, and engaged advocate on this issue.

I call on my Republican colleagues. Let's step up. Let's get this done. Let's ensure that the American people can safely exercise their right to vote this November.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank the Senator from Delaware for all the work he has done and his focus on what is going to be right in front of us, and that is additional help to States both with their needs—their medical needs and other economic needs—but also their democracy needs coming out of this pandemic.

When Hawaii was hit at Pearl Harbor, we did not expect Hawaii to defend itself. When this pandemic hits, it doesn't just hit one State. It hits our entire country. That is why we argue for Federal Government involvement.

With us—last but not least—is the other lead on this bill, and that is Senator RON WYDEN, who has been a longtime advocate, based in the forward-thinking State from which he comes, the State of Oregon, on vote-by-mail.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I thank you. I thank Senator KLOBUCHAR. I thank Senator COONS, an absolutely invaluable member of this alliance, ensuring that we are going to be able to get the resources for this.

My mother would say, if she looked around, "Dear, you're running with the right crowd." It is a pleasure to be able to team up with both of you.

I want to put this in some kind of context to begin because my colleagues have all done such a good job. I also got a chance to listen to the Senator from Virginia, Senator WARNER. He and I serve on the Intelligence Committee. I can't get into classified information, but certainly we are very much aware of some of the challenges to protecting the integrity of the votes of our citizens from a national security standpoint.

I just want to start with a kind of basic, commonsense proposition. When you do something like making sure, in 2020, that citizens don't have to have a notary to vote, what you are doing is just common sense, and that is what expanded in-person voting is all about. That is what you do when you support voters with disabilities. That is what you do when you make it easier for communities where there are people of modest income, communities of color, to vote.

It has been a pleasure to be able to work with Senator KLOBUCHAR in particular, who is passionately committed to adding those kinds of priorities.

I would only say that when you add these kinds of commonsense steps to

enhance the ability of Americans to vote safely, only Donald Trump and Majority Leader MCCONNELL could call it a liberal conspiracy. This is just basic common sense in government 101.

I am particularly concerned because all of us know what is coming. In other words, we have been out here talking about these priorities now for months. We saw it in Wisconsin. We saw it in Georgia. We now know what is coming. If anything, we get additional news every day about what the challenge is.

I don't know whether anybody has touched on it this afternoon, but just today, Dr. Tony Fauci said he would not be surprised to soon see 100,000 new coronavirus cases a day.

The Presiding Officer of the Senate is a physician, and he knows this well. He comes from a State that has faced a lot of challenges. Who are the people who are most vulnerable? It is seniors. It is people who are over the age of 60.

What I would say to my colleagues is, when I introduced the first bill to vote by mail—and that was a full 20 years ago—to give everybody in America the chance to vote the Oregon way—they wouldn't have to vote the Oregon way, but they would all have a chance to vote by mail, a ballot. We knew that this would be a big breakthrough in terms of our special system of government. Our military has always looked to innovative ways to make sure that our courageous men and women in uniform would have a chance to be counted in every election. We knew 20 years ago that vote-by-mail would be an important innovation because we had been doing it for years and years in Oregon.

All the arguments that have been thrown out recently—these arguments about fraud—our late secretary of state, Dennis Richardson, who was very conservative, before he passed—he passed shortly after Donald Trump took office—he wrote the President, Donald Trump, and said: This fraud issue is nonexistent in Oregon. Every election, there are virtually no instances, but a lot of people believe they got a chance to be counted, and they got a chance to do it in a way that was convenient for them.

There are a lot of challenges, certainly, today with the coronavirus. What we do with vote-by-mail, as my colleagues have been talking about, is we need to make it easier to empower voters to vote the way they would like to be able to vote—safely and at home.

Right now, voters are worried about infection. Sixty-six percent recently said they were concerned about going to polling places—and for good reason.

We just had our primary in Oregon, and nobody had to worry about infection in the State of Oregon. We voted safely in the middle of a pandemic—no long lines, no interactions with older people and multiple poll workers, often putting several people at risk of the coronavirus, not just one person. Yes, if you have the possibility of touching a machine used by hundreds of people,

there is certainly reason to be worried. Since 66 percent of poll workers are over the age of 60, many of them are staying home to avoid getting sick.

I think my colleagues on the other side of the Chamber know at least some of what I have said this afternoon. I believe they know what is coming this fall because we have already seen a kind of snapshot of it over the last couple of months in terms of the challenge of voting during the era of the coronavirus.

In 2016, we saw what happened when a foreign power tried to interfere with our election. The concerns of 2016 are now magnified in 2020. I put forward the Resilient Elections During Quarantines and Natural Disasters Act, and I would like to think we have been trying to get the facts out to Senators on both sides of the aisle for years now.

It was a pleasure to team up with Senator KLOBUCHAR on the Natural Disaster and Emergency Ballot Act and with Senator COONS, as he was our point person in securing the funds that are a prerequisite to doing this job right. In other words, you have to have funds, and you have to have the reforms.

We don't really think that it is a revolutionary proposition that what you ought to do is everything possible to make sure that every eligible American can vote safely in a pandemic.

Nobody I know in this Chamber is offering the proposition that the Federal Government should just run elections. What we are trying to do is give States and local governments clear guidance about the best way to keep elections running during the pandemic and the resources in order to use that guidance, as Senator KLOBUCHAR and I have talked about—two sides of the same coin—not running the election but giving good facts and clear guidance about how to prevent the pandemic and the dollars to make it possible to carry it out.

If a million members of the military, five U.S. States, and tens of millions of Americans across the country can vote by mail every election, then every voter ought to be able to vote by mail.

It is now online, and I hope my colleagues will look at the wonderful discussions "60 Minutes" had about vote-by-mail in Oregon just a couple of days ago with our secretary of state, Bev Clarno. She, too, is a Republican. There are real bipartisan roots on this.

I am the first U.S. Senator ever to be elected by mail. I am a Democrat. The second U.S. Senator to be elected by mail, our former colleague Gordon Smith, was a Republican. You see Democrats, and you see Republicans. You watch "60 Minutes." You hear from our secretary of state, who is a longtime Republican. You heard what I had to say about the late Dennis Richardson, who I would venture to say was just about as conservative as any Member of the Republican caucus. We are going to keep doing everything we can to get the facts out and make sure that

people understand these arguments about, for example, fraud. We have to say, so people really see how strongly we feel about it.

A few years ago, a poll worker tampered with two ballots. We put that person in jail for 90 days and fined him \$13,000, and they were barred from ever working in an election again. That is the way to show you are serious about making sure you are sending a strong message about the integrity of every person's vote, addressing the safety questions, and avoiding the proliferation of insecure, overpriced electronic election equipment—something that the voting machine lobby has been pedaling for years and years. Those, again, are not partisan kinds of positions; they are just plain common sense.

I realize that Donald Trump and MITCH MCCONNELL are going to keep doing everything they can to block vote-by-mail on legislation, but I believe that when we really get into negotiating the nuts and bolts of the coronavirus package in the Senate when we come back, I believe, particularly because Senators are going to be home, they are going to hear from voters, and voters are going to say: Don't put our health at risk. Give us the ability to vote in a safe way.

That is what we have tried to do.

I will just say to my colleagues, there really is no plan B. The choice is either vote by mail or through the expanded options that we are offering in our bill, or huge numbers of Americans will not be able to vote at all.

We are better than this, and it is time for Senators to look again.

As I said, there is no plan B here, colleagues. The choice is to take advantage of our options for citizens to be able to vote safely, or huge numbers of Americans will not be able to vote at all.

I think, to close for our side, the lead sponsor, the senior Democrat in the Rules Committee, may have something else to say. As a Senator who has worked on this, as I say, for two full decades, I knew that we were going to face challenges along the way. Back when we started, it was kind of a debate among political scientists. Now it is fundamentally a question of keeping our citizens safe as they exercise the franchise. I think it is very fitting that Senator KLOBUCHAR close for our side.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I want to thank Senator WYDEN for his longtime leadership on this issue. I want to thank all of my colleagues. I want to actually thank Mr. BLUNT, who did object to our bill but is willing to work with us on the funding.

As I said, to sum up, we would rather put ballots in the envelopes than voters in the hospital. It is that simple.

NOMINATION OF MAJOR GENERAL JON JENSEN

Mr. President, I appreciate the kindness of my colleague from the great State of Nebraska.

I am going to briefly address one matter, and that is to express my sup-

port for the nomination of MG Jon Jensen of Minnesota to become the Director of the Army National Guard.

Major General Jensen has served in the Army National Guard for more than three decades. He currently serves as an adjunct general of the Minnesota National Guard—a position he has held since November of 2017. As adjunct general, Major General Jensen oversees more than 13,000 soldiers and air men and women in Minnesota.

His record of service and extensive experience in Minnesota and across the world makes him an excellent choice to lead the men and women of the Army National Guard across the country.

We are grateful for Major General Jensen's leadership and service and proud to see a fellow Minnesotan nominated to become the Director of the Army National Guard. I urge my colleagues to join me in supporting his confirmation.

Major General Jensen has led the Minnesota National Guard in unprecedented times, including in the State's response to the coronavirus pandemic. In recent months, our Guard members, as they have in so many States, have provided planning and logistics support and transportation assistance, while also helping to conduct coronavirus tests.

Under Major General Jensen's leadership, the Minnesota National Guard has been critical in our response to natural disasters, including flooding in our State that caused significant challenges for so many farmers in Minnesota during last year's harvest.

In addition to his work in our State, the major general has been a national leader in working with the National Guard in other States to expand partnerships with the Federal Government.

He began his military career in 1982 as an enlisted combat medic, and in August 1989, was commissioned as a second lieutenant in the U.S. Army.

He continued his training in Georgia, and his career eventually took him to assignments in Georgia, Kansas, and Iowa. But then he had major assignments in Italy and Bosnia, Herzegovina, Iraq, and in Kuwait.

His outstanding service is demonstrated by the list of decorations and awards he has earned over his career, including the Legion of Merit, Bronze Star, Meritorious Service Medal, and Army Commendation Medal.

In addition to serving as adjutant general, Major General Jensen has held numerous leadership positions within the Guard, including as commander of the 34th Infantry Division, director of Joint Staff, and assistant adjutant general.

I had the honor of attending the change of command ceremony where he became adjutant general of our Guard. Now I hope to have the honor of seeing him confirmed to help lead the brave citizen soldiers of the Army National Guard nationwide.

I have no doubt that our Nation will benefit from his leadership and from

his decades of experience and his commitment to guardsmen and their families, including supporting families through multiple deployments, as well as in my State.

I think we know that dual role of the National Guard has been tested so much in recent decades, including their work, basically, fighting on the front-line over the last decade and then their work here at home through many natural disasters, as well as the current pandemic.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

S. 4049

Mrs. FISCHER. Mr. President, I rise today to speak in support of the defense authorization bill for fiscal year 2021.

I want to start off by thanking the chairman and ranking member of the Senate Armed Services Committee. I am grateful for their hard work, their leadership in crafting this bill, conducting a productive markup, and managing the floor process. We came together on this committee during these difficult times, and we passed a strong bipartisan bill, one that supports our servicemembers and provides for the defense of this Nation.

I have said it many times before: Our warfighters are our greatest asset. The brave men and women who serve deserve our utmost respect, support, and gratitude.

This year's bill authorizes a 3-percent pay raise for all members of the uniformed service. It reauthorizes over 30 types of bonuses and special pays and increases incentive pay for healthcare professionals.

The bill also prioritizes support for military families through childcare and spouse employment opportunities. We need to ensure that our warfighters can stay focused on executing their mission and maintaining readiness. This is only possible if they know their families, especially their spouses and children, are taken care of.

As countries like Russia and China rapidly modernize, we face a growing need for intelligence, surveillance, and reconnaissance capabilities despite having a limited fleet of resources.

Over and over again, I have heard from combatant commanders who reiterate the need for ISR. They also note the significant shortfall in supply versus a demand the Department of Defense has called "insatiable." This is a problem I know well, as I am proud to have the honor of representing the Air Force's 55th Wing, the No. 1 provider of large fixed-wing ISR in the Nation.

To continue enhancing the capabilities of the 55th Wing, this bill would authorize nearly \$200 million in funding for the continued modernization and upgrading of the RC-135 aircraft. This bill ensures that the platform remains a capable part of the Air Force's ISR system for decades to come. The RC-135 is a core component at the Air Force's ISR system and will be for the foreseeable future.

But as we enter newly contested environments, we need to think creatively about integrating platforms like the RC-135 into new ISR networks. I included language in this year's NDAA that would require an assessment of the overall ISR's shortfall based on combatant commander demand, with details about the planned integration of the RC-135 aircraft into next-generation networks like ABMS.

This provision would task the Department of Defense with exploring the conversion of retiring KC-135 aircraft into the highly sought after RC-135 to grow that ISR capability.

Unfortunately, we also face a broader issue with the size and the age of our Nation's Air Force, which is why I included language encouraging growth to meet the Air Force We Need target of 386 operational squadrons.

Offutt Air Force Base in Nebraska Houses the Air Force's fleet of E-4B aircraft, which serves as the National Airborne Operations Center and plays a key role in our nuclear command, control, and communications architecture. The NAOC provides a highly survivable platform from which to direct U.S. forces, execute emergency war orders, and coordinate actions by civil authorities.

The E-4B fleet, which first entered service in 1974, is aging rapidly and sustainment efforts have grown increasingly difficult and costly. The path forward for recapitalizing this vital strategic capability remains unclear. So I included language in this bill that would encourage the swift recapitalization of this important capability.

Nebraska is also the proud home of the world-class University of Nebraska Medical Center, which is among the Nation's leading specialized medical care and biocontainment units. This made UNMC the logical choice to be the first U.S. location to receive the COVID-19 patients for quarantine and testing. The first clinical trial of a drug to combat coronavirus was conducted there as well.

COVID-19 has placed an exceptional strain on the Nation's healthcare infrastructure, and we need to address our limited capacity to respond to major events. For that reason, I championed language in the NDAA that would authorize \$5 million to implement a pilot program on civilian and military partnerships to enhance the interoperability and medical surge capacity of the National Disaster Medical System. This program would improve future Federal responses to pandemics and to other threats while giving institutions with an established expertise in these areas, like UNMC, an opportunity to participate.

Additionally, the Senate NDAA bill makes targeted investments to begin addressing the disruptions caused by the COVID-19 pandemic, including \$46 million for coronavirus vaccine research and production, and the bill encourages faster adoption of telehealth services.

We are all aware of the increasing effort by China and Russia to expand their influence, which has underscored the need to work with our partners and allies around the world. Engagement, development, training, and education with partner military forces is crucial to successfully strengthening alliances and attracting new partners, and it is important that we cement new ties in places where we have a lighter presence.

The State Partnership Program, a Department of Defense program that encourages cooperation between National Guard units and partner militaries, is an excellent example of this. To encourage its continued development, I included language in this year's NDAA highlighting the SPP's success in cultivating positive relationships with partner forces.

Nebraska has two such partnerships: a shared one with the Czech Republic and a newly penned partnership with Rwanda.

This mil-to-mil training program allows National Guard units to conduct exercises and education with developing nations, cultivating partnerships that are vital to our success around the world. I also serve as chair of the Strategic Forces Subcommittee, which oversees the Department's nuclear forces and the U.S. Strategic Command, or STRATCOM, which is located in my State of Nebraska.

It also has jurisdiction over national security space and missile defense programs, as well as the Department of Energy's defense activities.

Across the subcommittee's jurisdiction, we reduced funding for underperforming programs in order to better support the priorities of our war fighters.

For example, my subcommittee authorized an additional \$76.8 million to begin development of a land-based missile defense capability for Guam. Not only is this a top priority for the INDOPACOM commander, but it is the single largest new activity undertaken as part of the Pacific Deterrence Initiative.

The subcommittee also authorized an increase of \$120 million in order to accelerate the development of the space-based Hypersonic and Ballistic Tracking Space Sensor at the Missile Defense Agency. Despite repeated testimony from DOD witnesses about the significance of this program, year after year, budget requests fail to fully fund it. While I am proud of the subcommittee's work to keep this program moving forward, I hope that next year the Department will take the initiative and fully fund this essential program.

To meet additional missile defense priorities, this bill also provides \$128 million to increase procurement of SM-3 IIA missiles and an additional \$162 million to continue the development of the Homeland Defense Radar-Hawaii, a key unfunded priority of the INDOPACOM commander.

The bill also authorizes an increase of \$319.6 million to procure an eighth

THAAD battery. As threats continue to increase, the need for THAAD's unique defense capabilities continues to grow.

Most importantly, this year's bill authorizes full funding for the continued modernization of our nuclear deterrent. This includes critical programs such as the Ground Based Strategic Deterrent, which will replace our aging ballistic missile force, and the next-generation nuclear cruise missile, the long range standoff weapon.

It also invests heavily in the modernization of the National Nuclear Security Administration's nuclear complex, a third of which dates to the Manhattan Project and early Cold War era.

I would like to take a moment to remind my colleagues of why maintaining our modernization schedule is so very important. While still effective, our nuclear deterrent is aging. Every leg of our nuclear triad has been extended far beyond its originally planned service life, and we have reached a point where further life extensions are simply not possible. These systems must be replaced.

To this end, the previous administration began the development of a number of programs to recapitalize our nuclear deterrent, including a new ICBM, a new submarine, and a new bomber. Yet these replacements are expected to be delivered just as the current systems are aging out, and as many STRATCOM Commanders have testified, there is no margin for error in this schedule.

Take, for example, the *Ohio*-class submarines. Through life extensions, the submarines will be in service for 42 years—longer than any other submarine in our Navy's history. As the current STRATCOM Commander, ADM Charles Richard, who is a submariner by trade, eloquently explained during his confirmation hearing that it is simply not possible to keep them in service any longer.

However, as a result of previous decisions to delay the development of the *Ohio*'s replacement, these submarines will be retiring before the next generation—the *Columbia* class—is ready for service. Let me say that again. The submarines that form one-third of our nuclear triad will begin retiring before their replacements are ready.

STRATCOM believes it can mitigate the risks associated with that schedule, but this reflects the high level of risk that has already been accepted in our planning. It also explains exactly why officials in both the Trump and the Obama administrations have repeatedly emphasized that there is no margin for additional delay.

Admiral Richard testified earlier this year: "I cannot overemphasize the need to modernize our nuclear forces and recapitalize the supporting infrastructure to ensure we can maintain this deterrent in the future."

This is why fully funding these programs and maintaining our current modernization schedule is so important. We must continue preparing to

meet and defeat the adversaries of tomorrow.

In closing, I again stress that the Senate's NDAA bill gives our men and women in uniform the resources they need. More than this, it provides for their and their families' futures through much needed pay raises, employment opportunities, and other programs. This bill is good for the nuclear and strategic forces that protect our country. This bill is good for our Nation. This bill is the product of bipartisan consensus. Nearly all of my Republican and Democratic colleagues on the Committee on Armed Services voted for it.

Let's provide for the defense of our Nation and the men and women of our Armed Forces by voting for the bill. I ask my colleagues to join me in supporting its swift passage.

I yield the floor.

The PRESIDING OFFICER (Ms. MCSALLY). The Senator from Utah.

JUNE MEDICAL SERVICES V. RUSSO

Mr. LEE. Madam President, I come to the floor wanting to discuss a case called June Medical Services v. Russo. This was a decision announced by the Supreme Court of the United States yesterday.

This is a decision that hasn't gotten as much attention as many cases that go before the Supreme Court. It is, nonetheless, a significant decision, and it is a decision that, I believe, is deeply flawed and betrays many of the legal and constitutional principles that the Supreme Court of the United States purports to apply and is supposed to be bound by as it decides cases and controversies properly brought before its jurisdiction.

The June Medical Services case involved the constitutionality of a statute enacted by the Louisiana Legislature, known as Act 620. The legislation in question required any doctor performing abortions within Louisiana to hold active admitting privileges at a hospital within 30 miles of the location of the abortion clinic in question. The Act then defined what it meant to have acting admitting privileges, and it did so in terms of a reference to the ability to admit a patient and to provide diagnostic and surgical services to such patient. It is understandable why the State of Louisiana or any State might want to consider adopting such legislation.

I want to be very clear at the outset that this case did not involve any legislation prohibiting abortion. In fact, there is nothing about Act 620 that made abortions illegal in Louisiana nor is there anything about Act 620 that would have made it practically impossible or really difficult for people to obtain an abortion. That is not what it did. It simply acknowledged the fact that an abortion is a type of surgical medical procedure and, in taking into account the fact that it is a medical procedure, is sometimes fraught with medical peril that can sometimes result in people getting hurt and people

having to go to the hospital and that it might be helpful in those circumstances to have the person who performed the procedure have admitting privileges at a hospital within 30 miles of the abortion clinic.

The constitutionality of the law was challenged in a lawsuit brought by five abortion clinics and four abortion providers in Louisiana. Now, they challenged the law in Federal district court, and they did so before the act even took effect, arguing that it was unconstitutional because it imposed an undue burden on their patients' right to obtain abortions. The abortion clinics and the medical providers at issue—the doctors and the clinics that challenged it—were quite significantly not arguing that these were their own constitutional rights that were being impaired. They were, instead, arguing that they had standing, that they had the ability to stand in the shoes of those who were among their patients, those whom they served.

So I would like to talk about three critical features of this decision and why I think the decision was wrong in all three respects.

First, let's talk about this standing issue that I alluded to just a moment ago. The concept of standing is rooted in article III of the Constitution. Article III is the part of the Constitution that establishes the judicial branch and sets up the Supreme Court and such inferior courts as Congress might choose to create. Significantly, neither article III nor any other provision of the Constitution gives the courts the authority to make law, to decide policy, or even, for that matter, to announce what the law is or says or should say at any moment unless, of course, there is a case or a controversy before the court.

What that means is that a court cannot issue an advisory opinion. In our Federal court system, the courts have the power to decide actual conflicts, disputes, cases, or controversies between one or more parties who happen to disagree as to the meaning of a particular provision of Federal statutory or constitutional law. Without that type of case or controversy, the court lacks jurisdiction. So, even though this isn't a concept that nonlawyers employ in day-to-day conversation, it is something that lawyers in America and judges, particularly Federal judges and lawyers who practice before Federal courts, are familiar with.

The concept of standing acknowledges that, with very few exceptions not relevant in this context, a party may not sue on behalf of or in order to address an injury sustained by a third party. In order to have standing in Federal court, you have to have an injury in fact—that is concrete and particularized, that is sustained by the plaintiff, that is fairly traceable to the conduct of the defendant—and the conduct at issue must be capable of being remedied by a judicial order within the court's jurisdiction. Without those ele-

ments being present, you can't have standing. Without standing, you can't have a case or a controversy, and the court has no jurisdiction.

It is well established that, within the Federal court system, this standing inquiry is what we call part of the court's judiciary doctrine, meaning it is a threshold inquiry that determines jurisdiction. As a result, it can be raised at any moment by any party. It can be, and sometimes will be, addressed by the court acting sua sponte, meaning, regardless of whether any of the parties raises it. It cannot be waived. As a result, at any stage of the litigation—whether at the trial court, at the appellate court, or at the Supreme Court of the United States—it can be raised by any party or any member of the judiciary sitting in that case.

It is significant that in this 5-to-4 ruling, in an oddly configured plurality opinion of four Justices—Justices Ginsburg, Breyer, Kagan, and Sotomayor—being united in a single plurality opinion and joined by Chief Justice Roberts in a concurring opinion, they cobbled together a conclusion that it was just fine for the court to act in this circumstance, notwithstanding the fact that the doctors and the abortion clinics in this case were not even arguing that their own constitutional rights were being impaired. This is significant. This is stunning, in fact. They are asserting the constitutional rights and the alleged injuries of third parties.

Now, in other circumstances, one might imagine a scenario in which you might have someone coming before the court, claiming to be the executor of somebody's estate or, perhaps, the legal guardian of a juvenile or of a person who had been deemed incapacitated. In those circumstances, that person has standing, but the standing belongs to the person suffering the injury. It is just allowed to be asserted by the third person standing in that person's place. That is not what we had here. Neither in the complaint nor in any of the moving papers did any of the plaintiffs argue—that is the clinics and the abortion providers in question—that its own constitutional rights were being impaired. They instead asserted impairment of the rights of third parties not before the court, of would-be patients whom they might have.

The lack of standing in this case is apparent, and the lack of standing was glossed over by this cobbled-together combination of the four-member plurality and Chief Justice Roberts. The plurality glossed over it and, in part, suggested that the standing issue might not have mattered because, perhaps, it was not an argument that was properly raised before the district court. Yet any first-year law student in any American law school, let alone a Federal judge or a Supreme Court Justice, knows that standing isn't waivable. It is a threshold jurisdictional question, and, as such, it cannot

be waived. It is never waived. It is always a live, relevant, legitimate question, one that can be raised *sua sponte* by the Court itself.

In his dissent, Justice Alito acknowledged this point and explained it well with the following words:

Neither waiver nor *stare decisis* can justify this holding, which clashes with our general rule on third-party standing. And the idea that a regulated party can invoke the right of a third party for the purpose of attacking legislation enacted to protect the third party is stunning. Given the apparent conflict of interest, that concept would be rejected out of hand in a case not involving abortion.

The conflict of interest to which Justice Alito is referring refers to the fact that you have got here, on the one hand, a State regulating a particular act—here, abortion providers, clinics, and physicians who perform abortions. That entity, like any other entity that is otherwise going to be regulated, has an interest in being not regulated.

It makes it easier, perhaps cheaper, perhaps more lucrative for that entity, for those providers, to be in that business if they are less regulated. It makes it easier for them to do what they do and perhaps more profitable if they don't have to have admitting privileges at a hospital within 30 miles of the location of the abortion clinic.

That is very different than the potential interest of their patients. Their patients have exactly the opposite interest. Their patients have the interest in making sure that the abortion provider provides for a safe, healthy environment in which adequate care can be provided to the patient, such that as complications arise, the doctor can take the patient to a hospital and, with those admitting privileges, can go about setting in order the course of treatment that needs to be pursued.

And so Justice Alito's point was simply that, in this circumstance, you have a completely different set of interests, some that are being advanced by abortion providers, some that the State holds, and some that the patient holds. They are separate; they are distinct; and here, really, they are at odds with each other.

So Justice Alito went on to explain:

This case features a blatant conflict of interest between an abortion provider and its patients. Like any other regulated entity, an abortion provider has a financial interest in avoiding burdensome regulations such as Act 620's admitting privileges requirement. . . . Women seeking abortions, on the other hand, have an interest in the preservation of regulations that protect their health. The conflict inherent in such a situation is glaring.

So with this circumstance, the plaintiffs did not have standing. They didn't even assert the prerogative of asserting the rights of themselves. They didn't claim that they themselves had injuries that were constitutionally cognizable in court.

They instead said that they were asserting them on behalf of an injury that would be suffered, and had not yet arisen, on the part of their patients, and that is a problem.

So the Supreme Court, as far as I can tell, based on the time that I have spent reviewing the decision, the Supreme Court abandoned its ordinary standards and applied a different standard here so as to make it easier for this group of plaintiffs to raise a constitutional challenge.

Madam President, I see the majority leader has entered the Chamber, and I ask unanimous consent for permission to be able to continue my remarks after the majority leader has conducted his business, as if without interruption.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

Mr. McCONNELL. Madam President, I thank my friend from Utah. I will be brief.

LEGISLATIVE SESSION

Mr. McCONNELL. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 718.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Russell Vought, of Virginia, to be Director of the Office of Management and Budget.

CLOTURE MOTION

Mr. McCONNELL. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Russell Vought, of Virginia, to be Director of the Office of Management and Budget.

Mitch McConnell, Marsha Blackburn, Joni Ernst, John Boozman, Steve Daines, Cory Gardner, Pat Roberts, Mike Rounds, Mike Crapo, Roger F. Wicker, Cindy Hyde-Smith, Lamar Alexander, Shelley Moore Capito, Rob Portman, Roy Blunt, John Barrasso, John Thune.

LEGISLATIVE SESSION

Mr. McCONNELL. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2021—Continued

The PRESIDING OFFICER. The Senator from Utah.

JUNE MEDICAL SERVICES V. RUSSO

Mr. LEE. Madam President, that was the first error that I think deserves to be mentioned in this context—the error apparent in the fact that the Supreme Court ignored the fact that the plaintiffs before the Court lacked standing. They just glossed over this issue. Why? Well, because it involves abortion, and I guess abortion is different.

The explanation provided by the plurality and by the Chief Justice—understanding that in order to form a majority, sometimes you have to cobble together a concurring opinion with a plurality opinion, and that is what happened here.

Their analysis on the standing issue in this case simply doesn't wash. It doesn't add up. In fact, I believe it defies what every first-year law student is taught in American law schools. It doesn't work.

Secondly, this draws attention to another problem with the Court's jurisprudence in this area. When abortion is treated differently than other things, it leads to a fair amount of tail-chasing by the Court because the Court has stepped in—starting with *Roe v. Wade* and continuing with *Casey* and the other cases since then on this topic—the Court has stepped in essentially as a superlegislative body, and it has attempted to set out a rule saying that you can't undermine what the Court has declared to be a right to access abortion.

So let's set aside, for a moment, that question of what we would be looking at if we were dealing with a law prohibiting abortion, but this isn't that. Again, this was a law, Act 620, adopted by the Louisiana State Legislature that simply required that doctors and clinics performing abortions be run by doctors having admitting privileges at a hospital within 30 miles.

It is not an abortion ban. It is just a public health and safety regulation of the same sort that you might see in effect with respect to surgical centers or other outpatient treatment clinics throughout that State.

And so, nonetheless, you have got *Roe v. Wade* and its progeny in which the Supreme Court has stepped in, basically, as a superlegislative body saying you can't impose too heavy of a burden on a woman's access to or ability to obtain an abortion.

The problem with that is there is nothing in the Constitution that says that. There is nothing in the Constitution that makes this a Federal issue. There is nothing in the Constitution that takes what is essentially a legislative judgment; namely, the legality or